

January 05, 2015

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Comment Period (04:05) - No Public Comment.

II. Announcements and Community Calendar (04:14)

Selectman Woolsey stated: nice editorial in Seacoast Sunday picking Senator Stiles as number three pick for people of the year.

Selectman Griffin stated: there were the most people ever seen at the beach in the winter time at the fireworks on New Year's Eve; shame something else wasn't going on; seemed to be mostly people from Hampton; they really enjoyed it; some group should take ownership of it and make it even bigger than it is; has potential.

Selectman Bridle stated: the Hampton Beach Village District did a nice job putting it on; it was a very nice display.

Selectman Waddell stated: ditto Mary-Louise on Senator Stiles.

Chairman Bean stated: those that serve the public as Nancy Stiles does, are right in line with folks on this Board, especially Jim Waddell that has spent most of his day working a complex tax issue with the Town Attorney and Tax Assessor; thanks Jim for your effort, research, and hard work on that; Rick brings up a salient and poignant aspect of Hampton Beach; it is a twelve month a year destination; there are a lot of good things going on there all year round; kudos to those that reside in this town, that conduct commerce in this town, that live in this town, that raise their children in this town; when you're in the midst of the seasonal challenges and the population surges and our first responders; think it's a fabulous team; it's a world class community; great job in 2014 and we look forward to a great 2015.

III. Consent Agenda (09:49)

1. 2015 Veterans Tax Credits Requalifications: Lister 31 Dunvegan Woods 180/5/31; McCue 29 Hampton Meadows 72/6/129; McGrady 54 Hampton Meadows 172/6/54; McGrail 35 Hobson Ave 163/59; McLane 7 Gray Ave 163/59; McNiff 23 Hampton Meadows 172/6/23; Melanson 43 Salt Meadows 151/1/43; Michaud 6 Sherburne Dr 91/4/2; Minko 11 Tobey St 163/43; Mooradian 176 Kings Hwy 168/35; Mosher 23

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Morningside Dr 192/23; Moynihan 39 Ancient Hwy 134/46; Murphy 38 Reddington Landing 56/20/H01; Murphy 42 Carolan Ave 89/40; Murray 168 North Shore Rd 133/25; Navin 32 Mill Rd 177/5; Neff 16 North Shore Rd 131/6; Nersesian 12 Hedman Ave 179/55/1; Nigrelli 68 Hampton Meadows 172/6/68; Noonan 16 Mill Pond Lane 150/34; O'Brien 6 Twelfth St 183/56; Nudd 531 Exeter Rd 35/2/1; Payson 23 Cusack Rd #14 133/68/14; Pecce 20 Bourn Ave 107/25; Pesola 1 Leary Lane 178/39

2. Lease for Berms on Town Property
3. Permit for Construction of Berms on Town Property
4. Forest Fire Warden Appointment – Jameson R. Ayotte

Town Manager Welch stated: title has been changed from Lease for Berms to Lease for Berms and Embankments; this is built facilities, land facilities on town land, not on private property; we have properties located in the inland areas of wetlands abutting private properties where because of tide changes they have embankments or berms built around their properties, some on town property, to help keep the property stable; they outfit those with smaller stone than they would out on the ocean which has heavy surf that they have to combat; law requires us to lease those properties; the lease for the small facilities, which are two to three feet high, would be \$1/year or \$5/5 years; do have an agreement they would have to sign with the Town; they do have a rider they have to put on their homeowner's insurance;

Selectman Woolsey MOVED the Consent Agenda SECONDED by Selectman Waddell.

VOTE: 5-0-0

IV. Approval of Minutes (12:54)

1. December 15, 2014 Public Session Minutes

Selectmen Woolsey MOVED to APPROVE the minutes of December 15, 2014 Public Session as amended SECONDED by Selectman Griffin.

VOTE: 5-0-0

2. December 15, 2014 Non Public Session Sealed Minutes

Selectmen Woolsey MOVED to APPROVE the minutes of December 15, 2014 Non Public Session SECONDED by Selectman Bridle.

VOTE: 5-0-0

3. December 22, 2014 Minutes

Page 7: 1st sentence, change "slops" to "slopes"

Selectmen Woolsey MOVED to APPROVE the minutes of December 22, 2014 SECONDED by Selectman Bridle.

VOTE: 5-0-0

V. Appointments (14:03)

1. Doug Brown
 - a. 86 Woodland Road Subdivision

Mr. Brown stated: went through a set of pretty miserable meetings with the Planning Board over a subdivision at 86 Woodland Road; want to thank Mr. MacNamara and Ms. Carnaby for their no votes; not just for their no votes but for also being compassionate and asking questions; acting like they were interested in what the public had to say; the project got approved despite the fact of some pretty curious things; the Conversation Commission first rejected the project when they first came in front of them; asked to redo their plans; also recommended they put four houses instead of five houses because it's going to be built on wetlands; developer rejected that; the Planning Board did not require that to approve the subdivision to my knowledge; Aquarion has some concerns about a well; put some conditions in their letter; asked the land stay as is; stated there was some risk; put in three conditions that were reasonable; don't believe those conditions were put in as part of the approval of the subdivision; the Town Attorney had two items that asked to put a liability insurance policy as part of the project in case the wells were contaminated and the Planning Board said they didn't feel as they had guidelines and it was not included as part of the approval; that area is classified as a seasonally saturated and flooded area; concerned where that water is going to go; despite these facts it got approved; taking the advice of Mr. Lessard that there might be lacking regulations and guidelines building in areas that are seasonally flooded, heavy wetlands, maybe there is a well nearby; new regulations that the Planning Board can work with; building on wetlands or around a particular well; regulations if the Town does face some particular risk should there be liability insurance by the developer to protect the Town; maybe the Conservation Commission needs a little more teeth behind it; found some of the Planning Board members, three or four of them, to be some of the most arrogant and self-serving individuals; have not sat in on a more unprofessional environment in my life; found it to be a very frustrating thing; we've been here twenty-one years; felt like we were treated quite miserably; the Chairman of the committee even lost his cool and said the people of Hunter Drive needed a taste of our own medicine; the whole thing just felt miserable; don't know if we can do anything about that development at this point; think there are a lot of good reasons that it should have been rejected and it wasn't.

Chairman Bean stated: just to go a little bit out of order, we have a liaison with that committee.

Selectman Griffin stated: the Planning Board makes these regulations; if you want to be part of the Planning Board this is a good time to step up because we're going to be having elections coming up; maybe there does need to be some changes; they are elected by the people; not much the Selectmen can do; was probably going to vote what you are saying until I heard the water company; the regulations are this way all over the country; the ones that you are referring to have been there the longest; they make their opinions over what they see and what the rules are today; water company swayed my vote to vote for the project; really do think we need more people to serve.

Mr. Brown asked: so the Planning Board writes their own rules; is there no oversight of the Planning Board from the Selectmen's perspective? Selectman Griffin answered: No, there isn't; as far as the Conservation Commission, they are strictly advisory; many times they do listen to them; it's a very interesting Board.

Mr. Brown stated: very concerned; I've never had water in my house; once a project has been built the only recourse you have is legal action; want to go on the record, if we get water,

we're going to create legal action; we don't have water in our house, but in two years from now once that project is completed, I'm going to associate it with that project.

Selectman Griffin stated: does make you wonder quite a bit.

Mr. Brown stated: the he does not need anybody on the Planning Board telling me to take my own medicine; that was the most unprofessional thing; there are only four of us that are abutters to that; it's not the whole neighborhood.

Selectman Griffin stated: that's why we need more voices.

Selectman Woolsey stated: want to reinforce what Selectman Griffin is stating; I am also in the neighborhood; I was as appalled as you are with the meetings; appalled that nobody looked at the map; there are town wells; did talk to one member of the Planning Board and said I was appalled you are not doing due diligence with the geography of the area when you are looking at these projects; happened to be sitting at the meeting when 86 Woodland came up and I hadn't realized that Aquarion hadn't been notified; I called the following morning to make them aware; don't care what other areas have for regulations; we have got to protect our water supply; there is nothing more precious than our water supply in our community; a member of the Planning Board said it's hard to turn a developer down when we've already allowed building in that area; understand Aquarion is looking to purchase some of the land around there; I have been begging people with no ties and no dog in the hunt and volunteer a little time and run for the Planning Board or Zoning Board; it is the Planning Board that does the articles and ordinances; have mentioned in front of the Planning Board on who is going to be responsible if the wells get contaminated; as a member of this Board here, I refuse to vote to accept that road as a public road; let the developer and who purchases in there be responsible for what goes on; there is no way to police what individuals who purchase those properties are going to do; applaud you and your neighbors for speaking up on these really important topics.

Mrs. Brown stated: when we were looking at the elevations, the engineer said all the drainage was going to come off the road and go into a drainage off the back; anything that comes off the road is going to come down; that is how the elevation is; it all slopes down to the back; you're not just talking the five lots, it's also whatever is coming down Woodland Road; don't even know what they are building back there; we haven't been told and we are an abutter; it's a narrow piece of property; engineer said it was a bowling lane type of property; we were told to go to the founding fathers; we feel like we have no recourse; after paying taxes in this Town for twenty-one years, feel as if we should be able to voice our opinions; felt as if I was ridiculed every time I got up to speak; we're concerned about water coming down that road and coming into our property which is lower than the lots that they are building.

Selectman Bridle stated: want to thank you for coming in and bringing it to the forefront; there is little this Board can do; you should at least be able to be heard and it should be respectful; sorry that didn't happen previously.

Selectman Waddell stated: thanks for coming in; it's always difficult when there is a development going on and it's going to affect your property; the Planning Board is an elected Board; even if you don't want to run yourself, find someone to; sometimes a Board member reacts to somebody in the public thinking it's humorously but it comes across incorrectly.

Selectman Woolsey stated: former Selectman and Moderator John Walker whose property is adjacent to this proposed build; he pointed out when Hunter Drive was built it was twenty-one acres; this is five.

Selectman Griffin stated: want to make it clear; you were able to be heard; you talked there.

Mrs. Brown stated: I did; I had handouts and the information I gave, nobody asked one question about any of the information; nobody even looked at it.

Selectman Griffin stated: think people looked at it; you did do a lot of work and presented little maps; the Zoning Board knows the wells are there; it does get very heated.

Mr. Brown stated: you shouldn't sit on a Board like that if you are going to tell somebody that you don't want to feel threatened; then don't do it.

Selectman Griffin stated: people from the Board felt like they were being threatened by comments; threats don't work; that land was for sale; Aquarion water is not a small company; they should buy the land that is surrounding those wells; they don't seem to care to do that.

Mrs. Brown stated: reason we came on saying we'd have a lawsuit was Mr. Emerick said that was the only recourse we had; then he said we threatened him with what he told us to do.

Chairman Bean stated: democracy is not a spectator sport; it's a little bit precedent setting for folks to come in and talk about another Board; I say to Chairman Olson and the Board they do good work; in my own experiences as an elected official and a public employee in the past, it's not easy going; you can't be thin skinned; do commend you on your tactful and considerate exercise of your rights to come in here tonight; the Planning Board does good work; sure there will be plenty of opportunities to serve; thank you for coming in tonight.

VI. Town Manager's Report (40:08)

1. The Department of Public Works has announced the collection of Christmas Trees will take place during the week of January 5 through 9, 2015. Please place your trees at the curb with your trash in your normal day of collect.
2. The last day and time for the filing of petitioned warrant articles is 5 PM on January 13, 2015.
3. The public hearing for Town and School Budgets and Warrant Articles is January 14, 2015, snow date is January 20th.
4. Deliberative Session of Town Meeting is January 31, 2015.

VII. New Business (41:19)

1. Vote to implement RSA 32:5 V-a Tally Votes

Town Manager Welch stated: we have done this every year for a number of years now; the article shall contain a notation of whether or not that appropriation is recommended by the governing body, and, if there is a budget committee, a notation of whether or not it is recommended by the budget committee;

Selectmen Woolsey MOVED to pursuant to RSA 32:5 V-a that the Board require that all votes of the Budget Committee and of the Board of Selectmen relative to budget items on

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any warrant articles be recorded votes and the numerical tally should be put in the town warrant next to the affected warrant article **SECONDED** by Selectman Griffin.

VOTE: 5-0-0

2. Tentative Meeting for Petitioned Warrant Articles 01/13/2014 @5:30PM

Town Manager Welch stated: have a tentative date for the Board to meet for the petitioned warrant articles; articles close at 5:00pm on January 13, 2015; proposing you meet at 5:30pm on that date to recommend or not recommend on particular warrant articles that are submitted by petition; have to be submitted to Budget Committee and Public Hearing the following night; there is not a lot of deliberative time here; would like a tentative approval for the meeting should there be petition warrant articles you have not taken care of that come in on the last day.

Selectman Waddell asked: does everybody have to be there? Town Manager Welch answered: you need at least three.

Selectman Waddell stated: I cannot be there.

Selectman Griffin stated: 6:00pm is better for me.

Selectman Woolsey and Bridle stated: 6:00pm was fine.

Town Manager Welch stated: we very rarely get petition warrant articles on the last day.

3. Date for Approval and Signing of 2015 Warrant

Town Manager Welch stated: suggesting to the Board that the warrant needs to be signed on Friday, January 23, 2015; it must be posted on Monday before your meeting time; there is not a lot of time to work with here; think Friday afternoon if it's convenient.

Chairman Bean and Selectman Woolsey stated: anytime Friday.

Selectman Griffin stated: 6:00pm for me.

Selectman Woolsey asked: do we actually need to meet? Town Manager Welch answered: you have to have a meeting to sign the warrant; probably be here for five minutes; 6:00pm.

4. Waiver from Purchasing Policy 718-16-4.B.(2)

a. Bid 2014-020 Ultra Low Sulfur Diesel Fuel to Atlantic Fuels

Town Manager Welch stated: sent out bids for low sulfur diesel fuel; do this annually; these bids come in and only one bidder; estimated annual cost is \$23,040; they have been a supplier steadily for the Town; have not defaulted in any way; it's the only one we received; asked the Board for a waiver to approve the bid.

Selectmen Woolsey **MOVED** to **APPROVE** the Waiver from Purchasing Policy 718-16-4.B(2) for Bid 2014-020 Ultra Low Sulfur Diesel Fuel to Atlantic Fuels **SECONDED** by Selectman Waddell.

VOTE: 5-0-0

5. Acceptance of Fiduciary Deed for two parcels of Salt Marsh Land from Myrtie Cogger Trust – Tax Map 998 Lot 316; Map 26, Lot 1-A

Town Manager Welch stated: these were donated to the Conservation Commission; by Statute, the Board of Selectmen has to approve the donation for land.

Selectmen Woolsey MOVED to Accept the Fiduciary Deed for two parcels of Salt Marsh Land from Myrtie Cogger Trust – Tax Map 998 Lot 316; Map 26, Lot 1-A SECONDED by Selectman Waddell.

VOTE: 5-0-0

6. Ratification of Tentative Agreements for Fire Unions Local 2664 and Local 3017 CBA's

Assistant Town Manager Sullivan stated: Board decided to approach negotiations somewhat different than the past; decided to forgo hiring outside labor counsel as a negotiator and decided to do it in-house with a team of Chairman Bean, Attorney Gearreald, and myself; met with the Unions and were very quickly able to negotiate a contract; the savings as a result of not having to utilize labor counsel was helpful; good strategy moving forward; able to settle these as two year contracts; overall raise is a 2% raise in each of the two years of the contract; there are some specific differences between the two contracts; in regards to Local 3017, there were a number of changes made; there were language changes; able to look at the hours of work in the Fire Prevention and Fire Inspection; currently there are four ten hours days; on board to try and find the efficient way; sick bank section that we reduced the number of hours that can go into the bank; made some adjustments in there; add language to allow individuals in the bank to bring them to the light duty status to get them back quicker; language to better define areas; Unions agreed to meet to sit down with the Town to find the best goal to alleviate the impact of the Affordable Care Act on the community; changes to longevity pay; made adjustments to salary schedule; education and training incentives for doing credit hours, Associates Degree, and Bachelor's Degree.

Selectman Woolsey asked: having saving money on the negotiations this year, we actually save money in the future because this is a two-year contract; there will be no need for negotiations in 2016, correct? Assistant Town Manager Sullivan answered: for these units, correct.

Selectman Woolsey asked: have these been ratified by the Unions? Assistant Town Manager Sullivan answered: my understanding is that will be completed tomorrow.

Selectman Woolsey asked: think you guys did excellent on both; we'll have these before us next week after they are ratified? Assistant Town Manager Sullivan answered: would be recommending at the end that you vote to approve them contingent upon the ratification taking place; running up against deadline issues; drafted with Counsel what that warrant article will look like; confident they are going to ratify.

Selectman Woolsey stated: traditionally we've had the unions ratify before we sign; just want to make sure we are on solid ground.

Assistant Town Manager Sullivan stated: I believe we are; in regards to 2664, many of the language issues were the same; within their steps, we made some adjustments to the steps; generally they were in 5% increments; made some adjustments to add some additional steps but spread that increment to 2.5% and 2.5%; in the first year there is some savings to the Town but it catches up the second year; keeps the same amount but spreads it over the two years; there duration is also a two year duration; the language changes are very similar to the

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Supervisors Union; article 13 has a total impact over the two years of \$163,679 and article 14, for the officers, has a total impact over the two years of \$88,048.

Chairman Bean stated: could you frame that motion for both of those contracts?

Selectmen Woolsey MOVED to APPROVE ratification of the Tentative Agreements for Fire Unions Local 2664 and Local 3017 CBA's contingent upon the ratification of both units SECONDED by Selectman Bridle.

VOTE: 5-0-0

Selectman Woolsey MOVED to APPROVE the proposed language presented in Article 13 and Article 14 and once the contingency is met that the ratification is moved on to the Budget Committee for their review SECONDED by Selectman Waddell.

VOTE: 5-0-0

7. 20 Keefe Avenue

a. Partial Release of Letter of Credit

Town Manager Welch stated: there were two bonds taken on this; one from the Planning Board for \$20,000 for onsite improvements; the Planning Board has voted to return that money; there was second one taken for \$55,488 by the Board of Selectmen; the Planning Board did not take one on the main subdivision; rather than having to reopen the hearing all over again, they decided the Selectmen would take it; we have a letter of credit in that amount of money; recommending that \$50,488.14 be returned to the developer and \$5,000 be held until such time that the remaining work of the subdivision is completed in the spring; this deals with planting; they were planted but they did not come up so they need to be completed; that would be the assurance that it would be done.

Selectmen Bridle MOVED to APPROVE the partial release of Letter of Credit in the amount of \$50,488.14 for 20 Keefe Avenue and to retain the amount of \$5,000 SECONDED by Selectman Waddell.

VOTE: 4-0-1(Woolsey)

VIII. Old Business (01:00:19)

1. Perambulation

a. Hampton – Seabrook Boundary

Town Manager Welch stated: this was last done seven years ago; current Statute requires that the bounds of the individual cities and towns be walked every seven years; there are actually four boundary points between Hampton and Seabrook; one is in the ocean; one is in the middle of the harbor; one next to Route 1A; one in the concrete protective well; Statute requires that the oldest town send notice to the youngest town and the youngest town set a time and date to review the bounds and file the report; already have the report done but we need to know who is going to do it; have to get authority to notify the abutting town.

Chairman Bean stated: why don't you just make the order, Mr. Welch.

Selectman Woolsey stated: I'm ready to go.

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Chairman Bean stated: I'd volunteer.

Town Manager Welch stated: okay.

2. Draft Warrant Articles
 - a. Updated Warrant

Town Manager Welch stated: you have the updated warrant that was issued today; revised the warrant for the High Street drainage; was concerned about the money involved; in reviewing that we should add a second contingency; proposing tonight that we do that; a lot of money to leave on the table should the appropriation pass but be too little in accordance with the public bids that we have to secure; added that this drainage work shall be publicly bid; this article is contingent upon receiving \$149,156 in offsetting FEMA revenues to be applied against the total requested appropriation; I ordered the portion about publicly bidding and I ordered if the offset revenues are not received or the public bids are in excess of the appropriation and receipt of FEMA revenues prior to the setting of the tax rate for the calendar year 2015 then the appropriation contained in this article shall be null and void; that way we don't have to raise and appropriate and sit on it.

Selectman Woolsey asked: very well done; have a lot more faith in the article with that adjustment; appreciate Fred's work on that; we are going to put pumper next to article 15, correct? Town Manager Welch answered yes.

Selectman Woolsey asked: do we have any sense from Kristi yet if we have funds to traffic control, article 29? Town Manager Welch answered: expecting to have that information sometime tomorrow; working diligently to try and clear everything up before your next meeting.

Selectman Woolsey asked: question on article 34, capital reserve funds; we recommended that \$1,500 be included to cover the investment expenses of the Trustees of the Trust Funds; they have the right to expend what they need to expend in the course of their duties; will that factor in here? Town Manager Welch answered: I don't believe they have that authority.

Selectman Woolsey asked: I thought they were allowed to spend what they needed to spend? Town Manager Welch answered: they can only spend what is appropriated or what is allowed by Statute; they are allowed to manage certain investment funds.

Selectman Woolsey stated: so this will be a little adjustment to the manner in which the Trustees of the Trust Funds line account is showing in the annual operating budget.

Selectman Griffin asked: for an elderly person that gets a tax exemption, do they need to apply for that every year? Town Manager Welch answered: no; there are instrumental break points in the Statute; there are three of them; when you change from one break point to another, the Assessing Office is required to inquire as to whether or not the person is still there or they still own the property.

Selectman Griffin asked: what happens if it's a person that is eighty years old, they die, and the wife is seventy-seven? Town Manager Welch answered: she's going to have to refile; she would retain the next lower until she got to age eighty.

Selectman Griffin asked: so does she have to refile because of a death? Town Manager Welch answered: it depends on how the original filing was; in some cases there were two

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people on the filing; try to arrange it so nobody loses what they have; may have to fill some paperwork out to clear it up.

Selectman Griffin asked: if it was her time to redo it, she'd be notified? Town Manager Welch answered: as a general rule, that's what happens; I'd never take a chance; I'd call; things can fall between the cracks sometimes.

Selectman Griffin asked: so who has that information on when that would have been done? Town Manager Welch answered: the Assessing Office.

Selectman Griffin asked: so if the person didn't really know, she could go to the Assessing Office and find out? Town Manager Welch answered: or call them; and if she has a problem, have her call my office.

IX. Closing Comments (01:10:26) - No Closing Comments.

X. Adjournment (01:10:29)

Town Manager Welch stated: would request that the Board in accordance with the provisions of RSA 91a:3 ii c go into a non public session in accordance to that statute;

Selectman Bridle MOVED to enter a non public session under RSA 91a:3 ii c SECONDED by Selectman Woolsey.

VOTE: 5-0-0

Minutes of Meeting – Non Public Session

The Board of Selectmen convened in non-public session at 8:32 PM on Monday, January 5, 2015 on a proper motion and vote.

Members Present: Philip Bean, Chairman; Mary-Louise Woolsey, Vice Chairman; Richard Griffin, Selectman; Russell Bridle, Selectman; James Waddell, Selectman;

Staff Present: Frederick Welch, Town Manager

Fire Department Inspection Services

The Board reviewed the inspection services of the Fire Department and reviewed the appropriation request for Town Meeting. No actions were taken.

Fire Chief Position

The Board reviewed the current status of the position of Fire Chief. No actions were taken.

Adjourn

Motion by Mrs. Woolsey, second by Mr. Bridle to adjourn.

VOTE: 5-0-0

Meeting adjourned at 8:49 PM.

Chairman